

TECHNICAL AMENDMENTS TO THE DRAWINGS:

Please substitute the original versions of Figures 1-19 with the formal replacement versions contained herein.

REMARKS

Claims 3, 8-10, 12-23, 29, 30, 32, 33 and 37-44 are pending in the above-identified application.

Claims 38-44 are allowed.

The Examiner notes that the drawings of the application have been objected to by the Draftsperson as informal.

Claim 17 is objected to for missing an article.

Claims 3, 8-10, 12-23, 29, 30, 32, 33 and 37 are cancelled herein to put the case in order for allowance and without prejudice to the prosecution of the cancelled subject matter in other patent applications. Claims 1-2, 7, and 31 were previously cancelled without prejudice to the prosecution of the cancelled subject matter in other patent applications in the response to the Office Action dated May 21, 2002. Claims 4-6, 24-28, and 34-36 were withdrawn and subsequently cancelled without prejudice to the prosecution of the cancelled subject matter in other patent applications in response to the Restriction Requirement issued on January 7, 2002.

Claims 3, 8-10, 12-23, 29, 30, 32 and 33 remain rejected and Claim 37 stands rejected under the first paragraph of 35 U.S.C. § 112 as allegedly failing to satisfy both the written description and enablement requirements. Applicants traverse these rejections for, among other factors, the reasons set forth in the response to the previous Office Action dated May 21, 2002. However, in the interest of furthering the prosecution of allowed Claims 38-44, the rejected claims are cancelled herein.

I. The Drawings Comply With 37 C.F.R. § 1.84

The drawings are objected to because the margins to Figures 9 and 18 are not acceptable; the lines, numbers and letters in Figures 1 and 19 are not uniformly thick and well-defined; the numbers

and reference characters are not plainly legible in Figures 1, 5 and 10; and the figure legends are poor in Figures 5 and 10. In response, Applicants submit herewith formal replacement drawings for Figures 1-19. Applicants also have amended the specification as indicated above to clarify the legends to Figures 5 and 10. Applicants respectfully request that the Examiner now remove the objection to the drawings.

II. The Claims Satisfy the Written Description Requirement of the first paragraph of 35 U.S.C. § 112

Claims 3, 8-10, 12-23, 29, 30, 32 and 33 remain rejected and Claim 37 stands rejected under the first paragraph of 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

In response, Applicants traverse this rejection for, among other factors, the reasons set forth in the response to the previous Office Action dated May 21, 2002. However, in the interest of furthering the prosecution of allowed Claims 38-44, the rejected claims are cancelled herein, thereby mooted the rejections of these claims under the written description requirement of the first paragraph of 35 U.S.C. § 112.

III. The Claims Satisfy the Enablement Requirement of the first paragraph of 35 U.S.C. § 112

Claims 3, 8-10, 12-23, 29, 30, 32 and 33 remain rejected and Claim 37 stands rejected under the first paragraph of 35 U.S.C. § 112 because the specification, while being enabling for an isolated and purified nucleic acid that encodes a polypeptide having the sequence of SEQ ID NO:19, compositions comprising said isolated and purified nucleic acid and methods of using said isolated and purified nucleic acid in a transformed plant, does not enable any person skilled in the art to

which the specification pertains, to make and use the invention commensurate with the scope of claims encompassing an isolated and purified nucleic acid that encodes a polypeptide that is at least 50% identical to the amino acid of SEQ ID NO:19, compositions comprising said isolated and purified nucleic acid, or methods of use of said isolated and purified nucleic acid.

In response, Applicants also traverse this rejection for, among other factors, the reasons set forth in the response to the previous Office Action dated May 21, 2002. However, again in the interest of furthering the prosecution of allowed Claims 38-44, the rejected claims are cancelled herein, thereby mooted the rejections of these claims under the enablement requirement of the first paragraph of 35 U.S.C. § 112.

CONCLUSION


Based on the foregoing remarks and in light of the amendments, Applicants submit that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

Applicants believe a fee of \$110.00 is due with this response for a one-month extension of time as required under 37 C.F.R. §1.17(a)(1). Should any additional fees be required in connection with this response, the Commissioner is hereby authorized to charge Deposit Account Number 02-4377. A duplicate copy of this communication is enclosed.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

Respectfully submitted,

BAKER BOTTS L.L.P.



Bradley B. Geist
Patent Office Reg. No. 27,551

Rochelle K. Seide
Patent Office Reg. No. 32,300

Attorneys for Applicants

30 Rockefeller Plaza
New York NY 10112-4498

(212) 408-2626

Enclosures